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IO GROUP, INC.

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MMC

CV 08

1805

IO GROUP, INC. d/b/a TITAN MEDIA, a
California corporation,

Plaintiff,

vs.

JOHN DOE, an individual,

Defendant.

CASE NO.

DECLARATION OF KEITH WEBB IN
SUPPORT OF PLAINTIFF IO GROUP,
INC.'S NOTICE MISCELLANEOUS
ADMINISTRATIVE REQUEST FOR
LEAVE TO TAKE DISCOVERY PRIOR
TO RULE 26 CONFERENCE

I, KEITH WEBB, declare:

1. I am vice president of Plaintiff Io Group, Inc. and have been for the last eight (8) years.

2. In my role as vice president of Io Group, I am in charge of Io Group's Internet operations and am generally informed as to the operation of Internet based websites. In my experience Internet access providers maintain subscriber activity logs indicating which of its subscribers were assigned an ip address at any give date and time, but only maintain subscriber activity logs for a short period of time before destroying the information contained in the logs.

1 3. I observed and Io Group employees documented infringement of Io Group works
2 on <http://angelosplayroom.blogspot.com> as described in the Complaint.

3 4. I am aware of no reliable means for identifying Defendant JOHN DOE in other
4 than obtaining the ip addresses associated with the infringing activity and then obtaining
5 subscriber information from Internet access providers.
6

7 5. I also am in charge of Io Group's anti piracy department and I am familiar with
8 many aspects of on-line piracy.

9 6. The infringement at issue in the matter is an example of the latest scheme infringers
10 have developed for distributing infringing works via the Internet.
11

12 7. Google/blogger.com is a commercial enterprise that provides free hosting and other
13 support for individuals who wish to create and operate Internet blogs. Under this arrangement, the
14 domain name of the social network site consists of blogger.com's base domain and a subdomain
15 determined by the individual operating the blog. Thus the name of the blog operated by Defendant
16 DOE in this matter is <http://angelosplayroom.blogspot.com>.
17

18 8. Blog creators often create sites around any number of themes, issues or discussions.
19 In this matter, Defendant DOE created the blog specifically as a location to copy, distribute and
20 display sexually explicit audiovisual files without regard to copyright.
21

22 9. It is often difficult to identify individuals operating on the Internet because they
23 frequently provide bogus information when registering to participate on a particular social
24 network. This is particularly true when the individual is accessing the site in order to engage in
25 illegal activity such as copyright infringement. On the other hand, when an Internet user
26 subscribes with an Internet service/access provider in order to obtain Internet access, the user by
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28

1 necessity *does* provide accurate information so that the provider can connect service and collect
2 payment.

3 10. When an Internet service/access provider supplies a connection to the Internet, the
4 connection is identified by a series of numbers called an Internet protocol (“ip”) address. An ip
5 address can be analogized to a telephone number. Just as a telephone company provides a
6 telephone number to its customers, an Internet access provider assigns an ip address to each of its
7 subscribers. Just as Caller ID allows someone to identify the telephone number from which a
8 telephone call originates, so can a website determine the ip address and thus the account from
9 which Internet activity is originates.
10

11 11. When a user creates and later accesses a blog site such as the one Defendant DOE
12 created, the blog host site generally records the ip address being used to access the site and stores
13 that information on the its server logs. Each time Defendant Doe accessed his blog in order to
14 publish and distribute plaintiff’s works blogger.com most likely recorded his ip address. Plaintiff
15 must subpoena Google/blogger.com to obtain the ip address of the infringer. Plaintiff then must
16 subpoena the service provider who controls the ip address in order to obtain the subscriber
17 information for the individual holding the account from which the infringing activity occurred.
18

19 12. Anyone can perform a simple search on public databases to determine which
20 Internet access provider controls a specific ip address. For example, XYZ access provider may
21 control all ip addresses between 12.345.678.001 and 12.345.678.900. If a user engages in
22 infringing activity using the ip address 12.345.678.050, then XYZ provides Internet access for that
23 user.
24

25 13. Often larger Internet access providers that control blocks of ip addresses assign
26 smaller blocks of ip addresses to smaller (downstream) access providers, who in turn assign the ip
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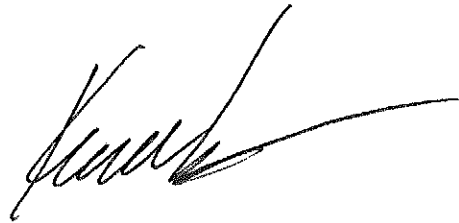
1 user engages in infringing activity using the ip address 12.345.678.050, then XYZ
2 provides Internet access for that user.

3
4 13. Often larger Internet access providers that control blocks of ip addresses
5 assign smaller blocks of ip addresses to smaller (downstream) access providers, who in
6 turn assign the ip addresses to individual subscribers. In such cases, the large access
7 providers cannot identify the individual subscribers, they can only identify the
8 downstream provider and that provider can identify the individual account holder.

9
10 14. Keith Webb is a pseudonym which I use for business purposes in place of
11 my true legal name.

12
13 Pursuant to the laws of the United States, I declare under penalty of perjury the
14 foregoing is true and correct.

15
16
17 Dated: 4/2/2008



18 KEITH WEBB
19 Vice-President, Io Group, Inc.
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